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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,921	10/29/1998	HILARY LYNDSEY WILLIAMS	36-1288	8650

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/171,921	WILLIAMS, HILARY LYNDASAY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronald Laneau	2674	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-31 and 77-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-7,9-29,77 and 78 is/are rejected.
- 7) ☒ Claim(s) 79 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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***Response to Amendment***

1. The amendment filed on 6/23/03 has been entered. Claims 1-7, 9-31, and 77-79 are still pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-29, 77, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persidsky (6,130,666).

As per claims 1, 12-14, and 15, Persidsky teaches a portable pen computer comprising a movement detection means responsive to movement of the computer to produce an electrical output signal representative of such movement (fig. 1), a storage medium for storing data defining a multiplicity of displayable pages each comprising of a plurality of lines (fig. 3, 22); a display having a corresponding number of lines to enable one of the multiplicity of lines to enable one of the multiplicity of pages to be displayed (fig. 1, 24); and processing means responsive to the output of said movement detection means to determine detected movement data defining user's intention (fig. 3, 40), the processing means 40 provides a mode response selected

from a multiplicity of store possible modes, at least some of which define selection for display of a further one of the pages from the multiplicity of pages (col. 3, lines 33-35). Further, Persidsky teaches a microprocessor or microcontroller which interprets the digitized motion data (abstract, lines 11-12) so it would have been obvious to one of ordinary skill in the art to utilize the processor taught by Persidsky as a means to provide a mode response for selection for display of a further one of the pages from a multiplicity of pages instead of using the page up and page down buttons (fig. 3, 42, 44) because it would allow a user to make a selection based on movement data of the pen describing the motion and the user's intention and also allow a user with disability to utilize a page up and page down commands with no apparent difficulties.

As per claim 2, Persidsky teaches a detection means, which comprises at least one acceleration detection, means responsive to movement of the computer to produce the output electrical signal as claimed (col. 5, lines 55-56).

As per claim 3, Persidsky teaches a plurality of acceleration detection means (motion sensor) to produce an electrical output signal representative to movement in respective directions (col. 2, lines 23-25).

As per claim 4, Persidsky teaches sensors which detect movement in the x and y directions as claimed (fig. 9).

As per claims 5 and 6, the movement detected by Persidsky device is capable of generating alphanumeric or graphical data and said alphanumeric or graphical data is stored in a data store since using a computer as claimed. (fig. 2).

As per claim 7, the pen-shaped input taught by Persidsky is connected to a processing device which receives the output of the alphanumeric or graphical data by the transmitting means as claimed (fig. 3).

As per claims 9-11, Persidsky a microprocessor or microcontroller which interprets the digitized motion data (abstract, lines 11-12) so it would have been obvious to one of ordinary skill in the art to utilize the processor taught by Persidsky as a means to scroll, tilt and roll of displayed information from a multiplicity of information pages for the same reasons given in claim 1.

As per claims 16-22, the examiner takes the Official notice that a portable device having a user's password, a sound input device, speech or other sound signals, a sound output in combination with a radio transceiver whereby cellular or radio telephony networks, radio transmission or infrared transmission means, transmission of coded signals including a message for display is well known in the art.

As per claims 23-29, it is also well known to have a processing means responsive to received encoded radio signals to activate a paging alert which comprises a tone, a operation of a vibrating means and that the portable computer houses in a casing shape to facilitate a user holding the computer as a writing stylus.

As per claim 77, Persidsky teaches a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44).

As per claim 78, Persidsky teaches a plurality of switch means adjacent to the display being oriented to match the orientation of the display screen as claimed (see fig. 1, 34, 36, 38, 32, 44).

***Allowable Subject Matter***

5. Claim 79 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references either singularly or in combination teaches or even suggests:

As per claim 79, a portable computer as claim in claim 1 further comprising a touch sensitive static potentiometer strip responsive to movement of a users finger to simulate movement of a poentiometer, the orientation of said potentiometer reflecting the orientation of the displayed information.

Claims 30 and 31 are allowed for the same reasons given in previous action.

***Response to Arguments***

6. Applicant's arguments filed on 6/23/03 have been fully considered but they are not persuasive.

Applicant argues that the combination of Persidsky fails to teach "...using said movement data to provide a mode response selected from a multiplicity of stored possible modes ..." This particular limitation is addressed in the new position taken by the examiner. Persidsky teaches a microprocessor or microcontroller which interprets the digitized motion data (abstract,

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lines 11-12) so it would be obvious for one skilled in the art to modify Persidsky to meet the claimed limitation of using said movement data to provide a mode response selected from a multiplicity of stored possible modes (see rejection of claim 1). Therefore, the rejection stands.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Biss et al (US 6,016,135)
- Wakatsuki et al (US 5,023,438)

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 305-308-6606, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth Floor (Receptionist).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ronald Laneau  
Examiner  
Art Unit: 2674

rl  
September 7, 2003



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 8200